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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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9 UNITED STATES OF AMERICA, )  
10 Plaintiff, )  
11 vs. ) 2:09-cr-303-JCM (VCF)  
12 ERIC LEON CHRISTIAN, )  
13 Defendant. )  
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15 **ORDER**

16 Presently before the court is defendant Eric Leon Christian's motion for appointment of  
17 counsel (doc. #130) and motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255  
18 (doc. #132). Mr. Chrisitan has also filed a motion to proceed in forma pauperis. (Doc. #133). The  
19 government has not responded.

20 Mr. Christian seeks to have his current counsel removed from the representation and appellate  
21 counsel appointed. *See* doc. #130. Apparently, Mr. Christian plans on raising ineffective assistance  
22 of trial counsel as a grounds for appeal, and thus requires substitute counsel.

23 Moreover, Mr. Christian seeks to have his sentence vacated based on several alleged  
24 constitutional violations. *See* doc. #132. Mr. Christian contends that the trial court violated his  
25 Sixth, Eighth, Tenth, and Fourteenth Amendment rights.

26 Both motions are premature as Mr. Christian has not yet been sentenced. Therefore, there is  
27 no cause to entertain Mr. Christian's motion seeking leave to proceed in forma pauperis.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Mr. Christian's motion for  
3 appointment of counsel (doc. #130) be, and the same hereby is, DENIED without prejudice. The  
4 court will entertain such motions or arguments at, or after, the sentencing hearing.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mr. Christian's § 2255  
6 motion (doc. #132) be, and the same hereby is, DENIED without prejudice.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Mr. Christian's motion  
8 seeking leave to proceed in forma pauperis (doc. #133) be, and the same hereby is, DENIED without  
9 prejudice.

10 DATED January 18, 2012.

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14 UNITED STATES DISTRICT JUDGE  
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